IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.58 OF 2007

Nashik Peoples Co-op.Bank Ltd. ..Petitioner.

V/s.

Shri Ashutosh R. Rathod, Director,
Rajrajeshwari Mangal Karyalay P.Ltd. ..Respondent.

Mr.Suresh M. Sabrad for petitioner.

CORAM: A.M.KHANWILKAR,J

DATE : FEBRUARY 21, 2007.

P.C. :

1. As the Minutes of Order provide for default clause and remedy available to the petitioner is provided in clause 5(d) of the Minutes of Order, it is not a case for initiating contempt action.

2. Counsel for the petitioner would rely on the decision of this Court in the case of **European Investment Ltd. Mumbai Vs. Triumph International Finance India Ltd. reported in 2004(3) Mh.L.J. page 59.** It would be a different matter, if no consequential remedy was provided in the Minutes of Order, as is the case on hand. In such situation, the principle stated in the reported decision pressed into service will be of no avail. It will be open to

the petitioner to take recourse to such remedy as may be permissible by law. All questions in that behalf are left open.

3. Petition dismissed.